

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEB 14 1995

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IN REPLY REFER TO:
CN: 95-0070

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Jim Coursolle, President
Station WPKR Radio
3891 Waukau Avenue
P. O. Box 3450
Oshkosh, Wisconsin 54903

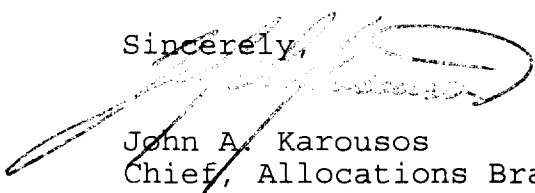
Dear Mr. Coursolle:

Thank you for your letter of January 26, 1995, requesting the status of a petition for rule making filed jointly by Value Radio Corporation, licensee of Station WMGV(FM), Oshkosh, Wisconsin, and CJL Broadcasting, Inc., licensee of Station WCJL-FM, Menominee, Michigan. That petition requested the substitution of Channel 280C3 for Channel 280A at Oshkosh, and reallocation of the channel from Oshkosh to Winneconne, Wisconsin. The petition also requested the substitution of Channel 279C3 for Channel 280A at Menominee, Michigan.

As you are aware, that petition resulted in the issuance of a Notice of Proposed Rule Making in MM Docket No. 90-139 seeking public comment on the proposal. This case is one of several interrelated rulemaking proposals involving various communities. We regret that limited staff resources have prevented a more expeditious resolution of this matter. However, we are pleased to inform you that the Allocations Branch, adopted a decision in this case on February 10, 1995. The decision will be officially released to the public shortly.

As you have requested, a copy of your letter, and related materials regarding regulatory fees, will be forwarded to the appropriate office to be included as comments in FCC Docket No. 95-3, "Assessment and collection of regulatory fees for fiscal year 1995."

Sincerely,


John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

bcc: PIRS via Secretary's office
(Room 222 (2 copies) Petition filed: 10/12/89
(first R&O draft Jan. 92/J:all/Kscheuer/Cours



January 26, 1995

Chairman Reed Hundt
Federal Communications Commissions
Washington D.C. 20554

Dear Chairman Hundt:

It is with great concern, frustration, and sadness that I am forced to write this letter. I am the owner of a radio station in Oshkosh, Wisconsin. I would like to think that might mean something to you. I have come to the conclusion that it doesn't mean a whole lot to the people that are working for you.

On December 21, 1994, my attorney Eugene T. Smith, on my behalf, submitted a Petition for Extraordinary Relief. I enclosed that petition.

My wife and I have been suffering a great deal since an interference problem became the major part of our life. We have spent approximately a thousand dollars a week since this began, and have received absolutely no help from anyone. We lease space on a tower because when put this station on the air in 1990 we could not afford to build our own tower. The landlord is belligerent, adversarial, and completely in total disregard for what my local attorney calls "providing safe harbor" for the operation of our radio station. I continue to send checks on a monthly basis to this landlord and he totally disregards our situation. We have hired the finest consulting engineering firm in the Midwest, according to most people. Ralph Evans and Associates have worked long and hard to try and solve the interference problem and continues to state beyond a reasonable doubt that our equipment is functioning absolutely perfectly and according to specs and that the interference problem is being caused by other components of the tower that do not belong to us. Mr. Evans, (please see his reports) stated that we will probably never be able to solve the problem given the environment and set of circumstances that we are dealing with, with regards to our landlord. He has advised me to try to move my antenna to a different location.

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January 26, 1995
Chairman Reed Hundt
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Since 1989, some channels have been tied up because of docket 90-139, RM-71491. This entire scenario is dealt with in the Petition for Extraordinary Relief. I have patiently sat and waited for somebody in the Federal Communications Commission to make a decision concerning this docket and rule making. No final decision has been made and this has been going on since the year 1989. Mr. Chairman, I don't mean to be facetious, but I am enclosing a page from The World Book that World War II started in 1939 and ended in 1945. This FCC proceeding started in 1989 and it is now 1995 and it has not ended. Certainly you must see the irony, when the world can deal with one of the biggest disasters ever experienced by mankind and end it in approximately the same period of time that this very very (in the scope of things) insignificant FCC proceeding has been going on. I also enclosed a time line of World War I, which started in 1914 and ended in 1918. Another human disaster that was resolved in just four years. Mr. Chairman, I would also like to call your attention to about a ~~five~~ page article (see enclosed) that appeared in the January 30, 1995, issue of US News and World Report, concerning bureaucrats. This article is based on fact and it expresses to a great extent the frustration being experienced by hard working people that can't seem to get bureaucrats to understand that they should also be required to do a dollars worth of work for a dollars worth of pay.

I'm also enclosing a page from The Radio Business Report (1/23/95) which states that you are trying to raise regulatory fees by seventy percent. I am already paying nine hundred dollars and am getting close to nothing for my money and now you are going to raise my fees to fifteen hundred and twenty five dollars. Please also submit this letter as comments which are due by February 13th on that rate increase. Obviously, that is not the jist of this letter, but I might as well "kill two birds with one stone".

I am forwarding a copy my letter to you to President Clinton, Newt Gingrich, Senator Herb Kohl, Senator Russ Feingold, Congressman Jim Sensenbrenner, Congressman Thomas Petri, and other members of the Congress that deal with communications.

Something has to be done to convince your organization that it must become effective and deal with problems.

You, too, would be extremely frustrated and angry if you submitted a petition "begging for relief" over thirty days ago and no one and I mean no one has even responded or acknowledged that they received that petition. As a matter of fact, I tried to get in touch with Kathy Scheuerle of the allocations branch, and that department hid behind your new voice mail system. I tried on three differnt occasions with three different messages on that voice mail system and have received a response from Kathy one week later. Mr. Chairman, that is totally unacceptable and not the way that business is done in 1995. I am insulted by that kind of service

January 26, 1995
Chairman Reed Hundt
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and have taken immediate steps in conversations with Douglas Webbink, Chief of Policy and Rules, and am trying to reach Roy Stewart. I have also called your office a couple of days ago, but have received no response from your office either. Evidently, radio station owners are just not very important to the FCC and our problems are probably less important. Evidently, once people get to Washington they have such high opinions of themselves that they just don't need to deal with common ordinary folks especially in the Midwest. Mr. Chairman, actions speak louder than words.

I will be very interested and following this very closely as to how you respond to this letter. Your response will be conveyed to as many people that I can convey it to so that they know what kind of value they are getting for the money that is being spent on the operation of the Federal Communications Commission. Mr. Chairman, I am trying very hard to respect the Federal Communications Commission and its way of handling things, but here in the Midwest respect is earned.

I await your reply.

Sincerely,



Jim Coursolle
President

JC/lm

enclosures

HIGHLIGHTS OF THE WAR IN EUROPE AND AFRICA

1939

- Sept. 1 German troops entered Poland.
- Sept. 3 Britain and France declared war on Germany.
- Nov. 20 Russian troops entered Poland.

1940

- Apr. 9 Germany attacked Denmark and Norway.
- May 10 Germany invaded Belgium, Luxembourg, and The Netherlands.
- June 10 Italy declared war on Britain and France.
- June 22 France surrendered to Germany.
- Aug. 4 Italy invaded British Somaliland.
- Oct. 28 Italian troops swept into Greece.
- Nov. 20 Hungary joined the Axis.
- Nov. 23 Romania joined the Axis.

1941

- Jan. 15 British soldiers invaded Ethiopia.
- Mar. 1 Bulgaria joined the Axis.
- Apr. 6 Germany invaded Greece and Yugoslavia.
- June 22 Axis forces invaded Russia.
- July 7 United States troops landed in Iceland.
- Aug. 14 The Atlantic Charter was announced.
- Dec. 11 Germany and Italy declared war on the United States. The United States declared war on Germany and Italy.

1942

- June 5 The United States declared war on Bulgaria, Hungary, and Romania.
- June 21 German troops seized Tobruk in North Africa.
- July 2 The British halted the Germans at El Alamein.
- Sept. 16 German forces entered Stalingrad (now Volgograd) in Russia.
- Oct. 23 The British began an offensive at El Alamein.
- Nov. 7-8 Allied forces landed in North Africa.
- Nov. 11 French resistance in North Africa ended.
- Nov. 12 British troops captured Tobruk.
- Nov. 19 The Russians counterattacked at Stalingrad.
- Nov. 27 The French scuttled their fleet at Toulon.

1943

- Jan. 31 Field Marshal Friedrich van Paulus surrendered to the Russians.
- May 7 Tunis and Bizerte fell to the Allies.
- May 12 Organized Axis resistance in Africa ended.
- July 10 Allied forces invaded Sicily.
- Sept. 3 The Allies landed in Italy.
- Sept. 3 Italy signed a secret armistice with the Allies.
- Oct. 13 Italy declared war on Germany.
- Nov. 6 The Russians recaptured Kiev.

1944

- Jan. 27 The Russians broke the siege of Leningrad.
- Mar. 19 German troops swept into Hungary.
- June 6 The Allies landed in Normandy, France.
- June 13 The first V-1 guided missile fell on London.
- July 25 United States forces broke out of Normandy.
- Aug. 15 Allied troops landed in southern France.
- Aug. 25 Romania declared war on Germany.
- Sept. 9 Bulgaria declared war on Germany.
- Sept. 10 Finland signed an armistice with Russia.
- Dec. 16 The Germans began the Battle of the Bulge.
- Dec. 27 The Allies halted the German offensive.

1945

- Jan. 11 Russian soldiers entered Warsaw, Poland.
- Jan. 21 Hungary declared war on Germany.
- Feb. 13 Russian forces occupied Budapest.
- Apr. 13 Vienna fell to invading Russian troops.
- Apr. 22 The Russians reached the suburbs of Berlin.
- Apr. 25 U.S. and Russian forces met at Torgau.
- May 2 German troops in Italy surrendered.
- May 2 Berlin surrendered to Russian troops.
- May 7 Germany surrendered to the Allies.
- July 26 The Allies issued the Potsdam Declaration.



Axis Empire at Its Height (September, 1942) extended from Norway to North Africa and France to western Russia.

ABOUT THE SAME PERIOD OF WWII



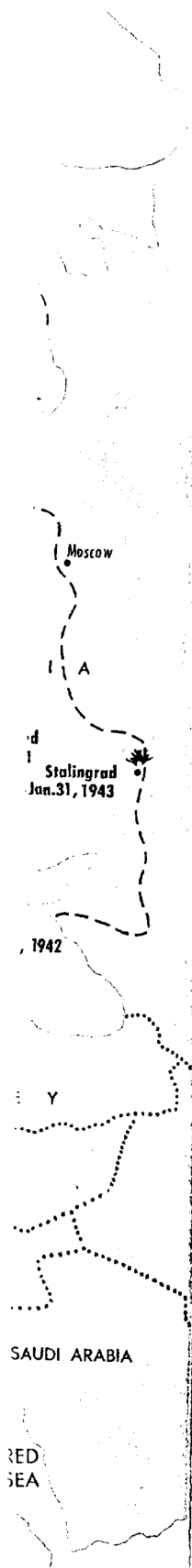
Normandy Invaded (June, 1944). The Allies pierced Germany's Fortress Europe with an amphibious attack.



POCKET 90-139 STILL UNSOLVED

Surrender of Germany (May, 1945) ended fighting in Europe. The Allies then freed German-held Norway.

1995



HIGHLIGHTS OF WORLD WAR I

1914

- June 28 Archduke Francis Ferdinand was assassinated.
- July 28 Austria-Hungary declared war on Serbia.
- July 30 Russia ordered general mobilization.
- Aug. 1 Germany declared war on Russia.
- Aug. 3 Germany declared war on France.
- Aug. 4 Germany invaded Belgium. Great Britain declared war on Germany.
- Aug. 26-31 The Germans crushed the Russian Second Army at Tannenberg.
- Sept. 1-Oct. 3 The Russians defeated the Austrians in the Battles of Lemberg.
- Sept. 6-9 The Allies stopped the Germans in the First Battle of the Marne.
- Oct. 21-Nov. 17 Germany failed to reach the English Channel in the First Battle of Ypres.
- Oct. 29 The Turks joined the Central Powers.

1915

- Feb. 18 Germany started to blockade Great Britain.
- Apr. 22 The Germans first used poison gas, in the Second Battle of Ypres.
- Apr. 25 Allied troops landed on the Gallipoli Peninsula.
- May 2 The Austrians began an offensive in Galicia.
- May 7 A German submarine sank the liner *Lusitania*.
- May 23 Italy declared war on Austria-Hungary.

1916

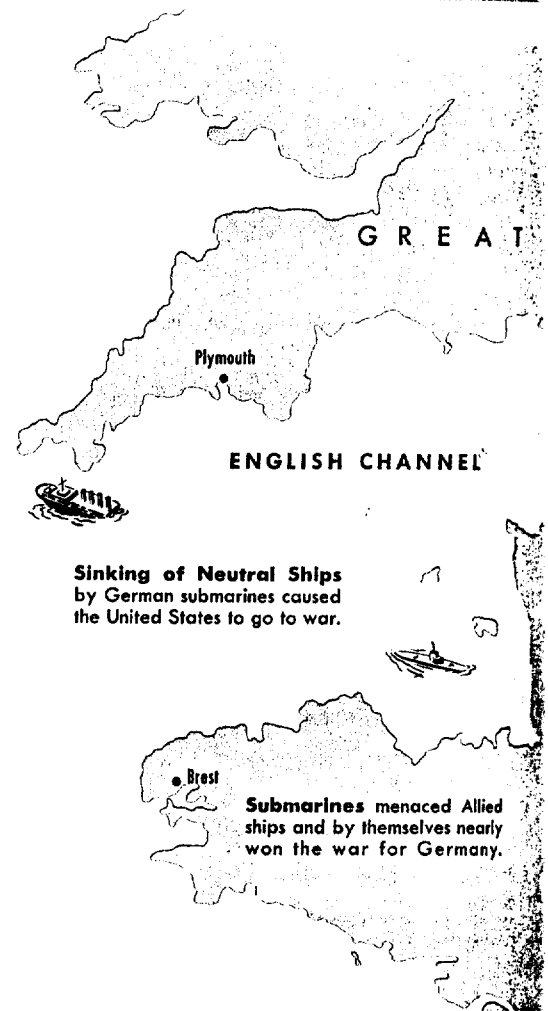
- Feb. 21 The Germans opened the Battle of Verdun.
- Apr. 29 Kut-al-Amara (Al Kūt), with 10,000 British troops, surrendered to the Turks.
- May 31-June 1 The British fleet fought the German fleet in the Battle of Jutland.
- June 4 Russia began an offensive in eastern Galicia.
- July 1-Nov. 18 The Allies advanced in the Battles of the Somme.
- Aug. 27 Italy declared war on Germany.
- Sept. 15 The British army first used tanks.

1917

- Feb. 1 Germany began unrestricted submarine warfare.
- Apr. 6 The United States declared war on Germany.
- June 26 American troops began landing in France.
- July 31-Aug. 9 Germany ended Russia's last offensive.
- July 31-Nov. 10 Germany stopped the Allies in the Third Battle of Ypres.
- Nov. 7 The Bolsheviks seized power in Russia.
- Dec. 9 Jerusalem fell to the Allies.
- Dec. 15 Russia signed an armistice with Germany.

1918

- Jan. 8 President Woodrow Wilson announced his Fourteen Points as the basis for peace.
- Mar. 3 Russia signed the Treaty of Brest-Litovsk.
- Mar. 21 Germany launched the first of its final offensives along the Somme.
- Apr. 9 Germany launched an offensive at Ypres.
- May 27 Germany launched an offensive on the Aisne.
- June 15 Austria-Hungary fought its last offensive.
- June 23 The Allies occupied Murmansk, Russia.
- June 25 American marines captured Belleau Wood.
- July 15 Germany launched its last offensive on the Marne.
- July 18 France opened the Second Battle of the Marne.
- July 21 Allied troops recaptured Château-Thierry.
- Aug. 8 The British broke the German line at Amiens.
- Sept. 26 The Allies began their final offensive on the western front.
- Sept. 29 Bulgaria signed an armistice.
- Oct. 30 The Ottoman Empire signed an armistice.
- Nov. 3 Austria signed an armistice.
- Nov. 9 Kaiser Wilhelm II of Germany abdicated.
- Nov. 11 Germany signed the armistice.



Sinking of Neutral Ships
by German submarines caused
the United States to go to war.

Submarines menaced Allied
ships and by themselves nearly
won the war for Germany.

Austria-Hungary controlled lands that several of its neighbors thought should belong to them. Serbia, a Slavic nation, wanted the provinces of Bosnia and Herzegovina, because it wanted an outlet to the sea and because so many Slavs lived there. Italy wanted to take the Trentino region and Trieste away from Austria-Hungary, because many Italians lived in these places. The Czechs and the Slovaks also sought to free themselves from Austrian and Hungarian control.

People of many different nationalities lived in Russia, including Estonians, Finns, Latvians, Lithuanians, and Poles. They, too, wanted freedom. In the Balkan Peninsula—often called the *powder keg of Europe* because of many small wars—Bulgarians, Greeks, Romanians, Serbs, and other peoples resented long years of Turkish misrule, and interference by other countries.

The leaders of the Congress of Vienna might have taken care of the national desires of many people in central and eastern Europe if they had wanted to do so. But they decided otherwise.

Some countries had *war cults* (organizations that glorified war). Members of these groups sometimes insulted neighboring peoples, who were quick to take offense. Warmongers sneered at foreign ways of doing things. Often, sensational newspaper stories helped spread their propaganda. Some German leaders vigorously urged commercial and political expansion to the east, especially in Asia. They called this policy of

By Tony Sanders

FCC's new grid card ups Arb-market ante 70%; unrated stations get 37% discount—The FCC has managed to take away a lot with one hand and give back a little bit with the other. The Commission's latest proposal for increasing the annual regulatory fees will jack the annual rates paid by AMs and FMs in Arbitron-rated markets by 70%, while offering stations in non-Arbitron markets a 37% cut in those same rates. (See tables below and related story on page 2).

The FCC's new rates won't go into effect until after the Commission completes a comment and reply-comment cycle and puts out a final report and order. The Commission just released the text for its proposed rule making last week. Comments are due by Feb. 13. Reply comments are

they wanted to continue doing so. Rep. **John E. Porter** (R-IL) is the new chairman of the Appropriations subcommittee that doles out about \$300 Million annually to the CPB. To help set the tone for the hearing, Porter's lead witness was Sen. **Larry Pressler** (R-SD), chairman of the Senate Commerce Committee. Pressler told the subcommittee that "public TV and radio can be privatized at the federal level and do very well." He said that the CPB is working on a plan to adjust to possible privatization. Pressler's own Senate committee shares responsibility for authorizing how much money CPB can spend annually.

Congress putting tax certificates under microscope—Spurred by the potentially-enormous tax breaks the FCC could wind up granting to companies like Viacom, Rep. **Bill Archer** (R-TX) wants to grill the FCC on the use of minority tax certificates. Archer heads the House Ways and Means Committee, which is responsible for tax issues, and has called for a formal hearing on the IRS rule (formally known as Section 1071) on Jan. 27. But Archer's not waiting until then to bring his staff up to speed. A Ways and Means aide told *RBR* the FCC was set to give committee staff a briefing on the issue last Friday.

"Main studio" violation nets KQQK Houston \$7,500 fine—The FCC says *KQQK, Inc.*, former owner of KQQK-FM Galveston/Houston, has violated the "Main Studio Rule," and owes the U.S. Treasury \$7,500. KQQK is licensed to Galveston, but serves the Houston market. Most of its operations are based at a Houston location outside of the station's city-grade coverage contour, so it has had a deal with KGBC, an AM station in Galveston (inside the city-grade contour), to provide space for its "main" studio.

The FCC isn't quibbling about the Galveston location. The problem is that the FCC says KQQK hasn't maintained the required "meaningful management and staff presence" at the Galveston studio since 1990. KQQK had cut a deal with KGBC President **Vandy Anderson** to be Assistant Station Manager of KQQK, since he would be in Galveston most of each business day. But the FCC says Anderson didn't really have any decision-making power in the day-to-day affairs of KQQK, meaning that the "main studio" site had no "meaningful management and staff presence."

Moreover, last May, the FCC asked KQQK, Inc. to detail Anderson's duties and responsibilities, but found that Anderson had retired from KGBC in November of 1993, and no new management personnel had been formally designated to take his place.

KQQK, Inc. has 30 days to persuade the FCC that its arrangement was kosher, and that it shouldn't be forced to pay the fine. KQQK was sold last month to Los Angeles-based *El Dorado Broadcasting* (*RBR*, 1/9, p. 17).

Rate changes FCC Grid Card #1, July 1994 FCC Grid Card #2, pending			
FM stations		1994	1995
Class C, C1, C2, B	\$900	Rated mkt	\$1,525
		Non-rated	565
Class A, B1, C3	600	Rated mkt	1,025
		Non-rated	375
CPs	500		595
AM stations			
Class A (old Class I) (50-kw clear channel stations)	\$900	Rated mkt	\$1,525
		Non-rated	565
Class B (old Class II and III) (Regional fulltimers)	500	Rated mkt	850
		Non-rated	315
Class C (old Class IV) (1-kw fulltime local)	200	Rated mkt	340
		Non-rated	125
Class D (old Class II-D & III-D) (Daytimers)	250	Rated mkt	425
		Non-rated	155
CP	500		120

due Feb. 28. Reference FCC Docket 95-3, "Assessment and collection of regulatory fees for fiscal year 1995."

Public Broadcasting goes under the klieg lights—Congressmen in charge of finding federal money to give to the *Corporation for Public Broadcasting* (CPB) put on an all-day hearing last Thursday (1/19) to decide whether

The Death of Common Sense

BY PHILIP K. HOWARD

IN THE WINTER OF 1988, nuns of Mother Teresa's Missionaries of Charity were walking through the snow in the South Bronx in their saris and sandals to look for an abandoned building that they might convert into a homeless shelter. They came to two fire-gutted buildings on 148th Street and, finding a Madonna amid the rubble, thought that perhaps Providence itself had ordained

the mission. New York City offered the abandoned buildings at \$1 each, and the Missionaries of Charity set aside \$500,000 for the reconstruction. The only thing unusual about the plan was that the nuns, in addition to their vow of poverty, avoid the routine use of modern conveniences, and there would be no washing machines or other appliances. For New York City, the proposed homeless facility would literally be a godsend.

Although the city owned the buildings, no official had the authority to transfer them except through an extensive bureaucratic process. For 18 months, the nuns were directed from hearing room to hearing room discussing the project with bureaucrats. In September 1989, the city finally approved the plan, and the Missionaries of Charity began repairing the fire damage.

Providence, however, was no match for law. New York's building code, they were told after almost two years, required an elevator. The Missionaries of Charity explained that because of their beliefs they would never use the elevator, which also would add upward of \$100,000 to the cost. The nuns were told the law could not be waived even if an elevator didn't make sense.

Mother Teresa gave up. Her representative said: "The Sisters felt they could use the money much more usefully for soup and sandwiches." In a polite, regretful letter to the city, the Missionaries of Charity noted that the episode "served to educate us about the law and its many complexities."

No person decided to spite Mother Teresa. It was the law of government, which controls almost every activity of common interest—fixing potholes, running schools, regulating day-care centers, controlling workplace behavior, cleaning up the envi-



MOTHER TERESA'S TRAVAIL

She wanted to build a homeless shelter in an abandoned South Bronx building. New York City insisted the building have an unnecessary \$100,000 elevator. Her nuns gave up; they said the money was better spent on soup and sandwiches for the poor.

ronment and deciding whether to give Mother Teresa a building permit. And what it required offends common sense. Law designed to make Americans' lives safer and fairer has now become an enemy of the people.

Government acts like some extraterrestrial power, not an institution that exists to serve us. The bureaucracy almost never deals with real-life problems in a way that reflects an understanding of the situation. We seem to have achieved the worst of both worlds: a system of regulation that goes too far while it also does too little.

This paradox is explained by the absence of the one indispensable ingredient of any successful human endeavor: the use of judgment. In the decades since World War II, we have constructed a system of regulatory law that basically outlaws common sense. Modern law, in an effort to be "self-executing," has shut out our humanity.

The motives to make the law this way had logic. Specific legal mandates would keep government in check and provide crisp guidelines for citizens. Layers of "process"—proce-

dural deliberations—would make sure decisions were responsible. Handing out "rights" would cure injustice. But it doesn't work. Human activity can't be regulated without judgment by humans, adjusting for circumstances and taking responsibility.

The public's fury with government was demonstrated in the November election, and the Republicans who won power now promise to get government off our backs. This rhetoric never turns to reality, though, because the public does not want to cut government essential services. The public is



■ SCIENCE & SOCIETY

mad at *how* government works—its perpetual ineptitude and staggering waste—not mainly what government aims to do.

Moreover, the GOP's Contract With America proposes to take only small steps in the direction of real reform. One proposal would impose a moratorium on many pending regulations—an idea equivalent to cutting off your leg to lose weight. Another Republican theme is to return government functions to states, which could be a real benefit in certain areas like welfare but disastrous in others like environmental protection. The federalism idea ignores the fact that state governments are typically as ineffective and wasteful as the federal government. To liberate Americans from red tape, real reform must be aimed at simplifying *how* government works. Ending our suffocating legal system should be reformers' goal.

LAW REPLACES HUMANITY

The tension between legal certainty and life's complexities was a primary concern of those who built our legal system. The Constitution is a model of flexible law that can evolve with changing times and unforeseen circumstances. Today, we no longer remember that words can impose rigidity as well as offer clarity. Law had an identity crisis when Oliver Wendell Holmes Jr., then a law professor, suggested in 1881 that law was not certain after all but depended on how the judge and jury saw the facts. This stimulated a wide range of reform movements, especially to codify the common law into statutes. Progressives at the turn of the century, New Dealers in the 1930s and Great Society reformers in the 1960s expanded the role of government in huge ways.

Another form of lawmaking also took hold in the '60s that focused not on government's role but on its techniques. Legal details proliferated. The *Federal Register*, a report of new and proposed regulations, increased from 15,000 pages in the final year of John Kennedy's presidency to over 70,000 pages in the last year of George Bush's.

Precision became the goal. The ideal of lawmaking was to anticipate every situation, every exception and codify it. With obligations set forth precisely, according to this rationale, everyone would know where he stood. But the drive for certainty has destroyed, not enhanced, law's ability to act as a guide. "Regulation has become so elaborate and technical that it is beyond the understanding of all but a handful of mandarins," argued former Stanford Law Dean Bayless Manning. No tax auditor, no building code examiner can possibly know all the rules in thick government volumes. What good is a legal system that cannot be known?

Instead of making law a neutral guidepost protecting against unfairness and abuse, this accretion of law has given bureaucrats almost limitless arbitrary power. A few years ago, the

federal Occupational Safety and Health Administration decided workers needed more protection from hazardous chemicals. Bureaucrats decided that everything that could conceivably have a toxic effect should be shipped with a Material Safety Data Sheet describing the possible harmful effects of each item. The list grew and grew until it totaled over 600,000 products. In 1991, OSHA turned its attention to bricks. Bricks can fall on people, of course, but they had never been considered poisonous. The OSHA regional office in Chicago sent a citation to a brick maker for failing to supply an MSDS form with each pallet of bricks. If a brick is sawed, OSHA reasoned, it can release small amounts of the mineral silica. The fact that this doesn't happen much at construction sites was of no consequence. Brick makers thought the government had gone

crazy, and they feared a spate of lawsuits. They began sending the form so that workers would know how to identify a brick (a "hard ceramic body with no odor") and giving its boiling point ("above 3,500°" Fahrenheit). In 1994, after three years of litigation, the poison designation was removed by OSHA.

The proliferation of rules may not produce the benefits of certainty and fairness, but it creates endless opportunities for smart lawyers seeking angles and advantages. Law, supposedly the backdrop for society, has been transformed into one of its main enterprises. For some billionaires, cable-TV companies, congressmen and litigators, close scrutiny and manipulation of the rules are a means to an end. The words of law give them lower taxes, a way to circumvent price controls, a secret means of playing favorites and a tool to grind the other side into the ground.

The rest of us feel like law's victims. We divert our energies into defensive measures to avoid tripping over the rules. Knowing for certain that full compliance is impossible, and that the government's reaction may be

wholly out of proportion, law has fostered what Prof. Joel Handler has described as a "culture of resistance" where everyone is a potential adversary.

Law that leaves no room for judgment loses its original goal. Safety inspectors wander around without even thinking about safety. The YMCA of New York City, one of the last providers of low-cost, transient housing, gets regular citations for code violations like nonaligning windows and closet doors that do not close tightly. Does the city think that those clean, inexpensive rooms are somehow unworthy of a city that itself provides cots 18 inches apart for those who have no place to sleep? A city inspector recently told the YMCA, after it had virtually completed a renovation, that the fire code had changed and a different kind of fire-alarm system, costing an additional \$200,000, would have to be installed. "Don't they realize that



WRONG POLLUTION SOLUTION

A rigid federal law required a Virginia company to spend \$31 million to prevent a small amount of benzene from escaping a smokestack. The company couldn't spend the money to clean up tons of harmful benzene emissions that came from a nearby source.

the \$200,000 can provide yearlong programs for a hundred kids?" asked Paula Gavin, the YMCA's president. In our obsessive effort to perfect a government of laws, not of men, we have invented a government of laws *against* men.

THE NEVER-ENDING PROCESS

In 1962, Rachel Carson shocked the nation by exposing the effects of DDT and other pesticides in her book *Silent Spring*. There was also another side to the issue: Pesticides give us apples without worms and the most productive farms in the world. In 1972, Congress required the newly created Environmental Protection Agency to review all pesticides (about 600 chemical compounds at that time) and decide which should be removed from the market. The deadline was three years. More than 20 years have passed, and yet only 30 pesticides have been judged. Hundreds of others, including some on which there are data suggesting significant risk, continue to be marketed. "At this rate," said Jim Aidala, a onetime congressional pesticide expert, "the review of existing pesticides will be completed in the year 15000 A.D."

Making decisions, it almost seems too obvious to say, is necessary to do anything. Every decision involves a choice and the likelihood that somebody will lose something; otherwise, there would be no need to decide. This is the issue that paralyzes government decision making. "The problem with government," argues economist Charles Schultze of the Brookings Institution, "is that it can't ever be seen to do harm." Bureaucrats find it nearly impossible to say yes. Yet the act of not choosing is not benign: We may eat something bad because the EPA never made a decision.

Sometimes government cannot act even in the face of imminent peril. In the early-morning hours of April 13, 1992, in the heart of Chicago's downtown Loop, the Chicago River broke through the masonry of an old railroad tunnel built in the last century. Several hundred million gallons of water from the river were diverted into the basements of downtown office buildings, knocking out boilers, short-circuiting countless electric switches, ruining computers and turning files into wet pulp. Total losses were over \$1 billion. Several weeks before the accident, the leak in the tunnel had come to the attention of John LaPlante, then Chicago's transportation commissioner, a public servant with 30 years of exemplary service. He knew that the river was immediately overhead and that a break could be disastrous. He ordered his engineers to shore up the ceiling. As prudent administrator, he also asked how much it would cost. The initial guess was about \$10,000. His subordinates then went to a reputable contractor, who quoted \$75,000. Although the amount was paltry, the discrepancy gave LaPlante pause.

He put it out for competitive bids. Two weeks later, before the bidding process had even begun, the ceiling collapsed.

Bureaucrats don't even seem capable of looking in the right direction. How things are done has become far more important than what is done. The process has become an end in itself. A weakness of human nature that prompts many to avoid responsibility has become institutionalized in layers of forms and meetings. As a result, government accomplishes virtually nothing of what it sets out to do. It can barely fire an employee who doesn't show up for work.

The actual goals of government are treated like a distant vision, displaced by an almost religious preoccupation with procedural conformity. Public servants who dare take the initiative can be smothered. In the late 1980s, Michael

McGuire, a senior research scientist at the University of California at Los Angeles, found himself in trouble. His lab is funded by the Veterans Administration. Its lawn also needs to be cut. When the lawn mower broke, McGuire decided to buy another one. During a subsequent routine audit, the federal auditor asked why the lawn mower was different. McGuire told the truth: He had thrown out a broken federal lawn mower (after saving usable spare parts). That prompted an investigation resulting in several meetings with high-level federal officials. After months, they rendered their findings: They could find no malice, but they determined McGuire to be ignorant of the proper procedures. He received an official reprimand and was admonished to study VA procedure, which he noted was "about the size of an encyclopedia." One other fact: McGuire bought the lab's lawn mower with his own money.

Orthodoxy, not practicality, is the foundation of process. Its credo is for complete fairness; its demons are corruption and favoritism. But concepts like equality and uniformity have no

logical stopping point; no place where they say, "The Chicago commissioner shouldn't worry about bidding procedures with the river only a few feet above the leak." No one risks drawing the line. Any potential complaint is answered with one more "review" or "fact finding" procedure.

One destructive message of this is that bureaucrats can't be trusted to exercise their judgment. And the cost of this mistrust is almost inconceivable. The paperwork it generates in the name of "oversight" and "accountability" often costs more than the product it purchases. The Defense Department announced last year that it spent more on procedures for travel reimbursement (\$2.2 billion) than on travel (\$2 billion).

Setting priorities is difficult in modern government because process has no sense of priorities. Important, often urgent, projects get held up by procedural concerns. Potentially im-



A LAWN MOWER FELONY

A California lab director was reprimanded by the Veterans Administration for spending his own money to buy a lawn mower to replace one that had broken. VA auditors found no evidence of malice but insisted he bone up on proper VA procurement procedures.

■ SCIENCE & SOCIETY

portant breakthroughs in medicine wait for years at the Food and Drug Administration. Even obviously necessary safety projects can't break through the thick wall of process. In 1993, during a snowstorm at New York's La Guardia Airport, a Continental Airlines DC-9 had to abort a takeoff and ended up with its nose in Long Island Sound. Another 100 feet and many lives would probably have been lost. Two years earlier, another plane had slid off the runway, killing 27 people. The 7,000-foot runway is about 70 percent as long as those at most commercial airports, and the Port Authority of New York and New Jersey, which runs the airport, had been trying to add 460 feet for six years. But the agency had spent years talking to environmental agencies and community groups whose procedural rights took precedence over making the airport safer.

The irony of our obsession with process is that it has not prevented sharp operators from exploiting the government's contracting system, as the weapons-procurement scandals of the 1980s showed us. Its dense procedural thicket is a perfect hiding place for those who want to cheat. It has also led to a system so inconclusive that fairness is lost: Advocates can bludgeon their adversaries endlessly in public disputes that become too costly to see to a conclusion. And nothing ever gets done.

We must remember why we have process at all. It exists to serve responsibility. Process was not a credit card given out to each citizen for misconduct or delay; nor was it an invisible shield given to each bureaucrat. Responsibility, not process, is what matters.

A NATION OF ENEMIES

Finding a public bathroom in New York City is not easy. To remedy the problem, Joan Davidson, then director of the J. M. Kaplan Fund, a private foundation, proposed in 1991 to finance a test of six sidewalk toilet kiosks in different sections of the city. The coin-operated toilets, which cleaned themselves after every use, were small enough not to disrupt pedestrian traffic and would pay for themselves with the sale of advertising for the side panels. The proposal was greeted with an outpouring of enthusiasm. Then came the problem: Wheelchairs couldn't fit inside them. The director of the mayor's Office for People with Disabilities said the idea was "discrimination in its purest form." The city's antidiscrimination law, she pointed out, made it illegal to deny to the disabled any access to public accommodation. A protracted battle ensued.

The ultimate resolution, while arguably legal, was undeniably silly: Two toilet kiosks would be at each of the three locations, one for the general public and the other, with a full-time attendant, for wheelchair users only. The test proved how great the demand was. The regular units averaged over 3,000

flushes per month. The wheelchair-friendly units were basically unused; the cost of the attendant was wasted.

Making trade-offs in situations like this is much of what government does. Almost every government act, whether allocating use of public property, creating new programs or granting subsidies, benefits one group more than another, and usually at the expense of everyone else. Most people expected leaders to balance the pros and cons and make decisions in the public interest. The government of New York, however, lacked this power because it had passed an innocuous-sounding law that created "rights" elevating the interests of any disabled person over any other public purpose.

Rights have taken on a new role in America. Whenever there is a perceived injustice, new rights are created to help the

victims. Yet these new rights are intended as an often invisible form of subsidy. They are provided at everyone else's expense, but the check is left blank. They give open-ended power to one group, and it comes out of everybody else's hide. The vocabulary of accommodation, the most important language for a democracy, is displaced.

The "rights revolution" did not begin with any of this in mind. It was an effort to give to blacks the freedom the rest of the citizenry enjoyed. The relatively simple changes in law in the Civil Rights Act of 1964 sparked a powerful social change for the good. But that inspired reformers in the 1960s to consider using "rights" as a method to eliminate inequality of all kinds. Reformers zeroed in on the almost nuclear power that "rights" could bring to their causes. People armed with new rights could solve their own problems by going straight to court, bypassing the maddeningly slow process of democracy.

The most influential thinker was Charles Reich, at Yale. In his 1964 article "The New Property," Reich laid out a simple formula to empower citizens:

Government decisions should be considered the property of the people affected. Government employees facing termination, professionals licensed by the state and contractors doing government business no longer would be subject to the judgment of government officials. Everyone would have a "right" that government would have no choice but to respect. In a follow-up article, Reich focused on what he thought was the area in which government largess was most important to the individual: welfare. He called for a "bill of rights for the disinherited." His vision heralded a new era of self-determination. Power would be transferred to the wards of the welfare state. Who would draw the line? "Lawyers," he proclaimed, "are desperately needed now."

Reich got his wish. Today, even ordinary encounters—between teachers and students, between supervisors and em-



THE CASE OF THE MISSING BATHROOMS

A plan to use sidewalk toilets in New York City had wide support. But it ran afoul of disabilities-rights regulations because wheelchairs could not fit the kiosks. A compromise plan to have attendants at disabled-only kiosks was a bust—no one used them.

ployees—now involve lawyers. Like termites eating their way through a home, “rights” began weakening the lines of authority of our society. Traditional walls of responsibility—how a teacher manages a classroom or how a social worker makes judgments in the field—began to weaken.

The Supreme Court embraced Professor Reich’s concepts in a 1970 decision, *Goldberg v. Kelly*, which held that welfare benefits were “property” and could not be cut off without due process. Congress began handing out rights like land grants. Floodgates opened allowing juveniles, the elderly, the disabled, the mentally ill, immigrants and many others—even animals included under the Endangered Species Act—their days in court.

After 30 years of expanding rights against workplace discrimination, Congress has succeeded in “protecting” over 70 percent of all American workers. But are we witnessing a new age of harmony and understanding in the workplace? Hardly. Even those who are successful are bitter. Ellis Cose, in *The Rage of a Privileged Class*, describes the extraordinary anger of successful blacks—partners in law firms, executives in companies—who feel they are being held back because of race. These feelings, however, mirror those of white professionals who believe blacks are promoted primarily because they are black.

A paranoid silence has settled over the workplace. Only a fool says what he really believes. It is too easy to be misunderstood or to have your words taken out of context. Those hurt most by the clammed-up workplace are minorities and others whom the discrimination laws were intended to help. The dread of living under the cloud of discrimination sensitivity and the lurking fear of potential charges often act as an invisible door blocking any but the most ideal minority applicant.

Beyond the workplace, public schools have been the hardest hit by the rights revolution, especially when it comes to special education. Timothy W. was a profoundly disabled child, born with quadriplegia, cerebral palsy, cortical blindness and virtually no cerebral cortex. His mother thought he should go to school. Experts consulted by the Rochester, N.H., school district concluded he was not “capable of benefiting” from educational services, but a federal judge ruled that the school was obligated to provide a program because under the Individuals with Disabilities Education Act, it didn’t matter whether he could benefit. Law books are filled with such cases as local school districts try to stem the hemorrhaging of their budgets. But the districts almost always lose. A right is a right.

Teachers, too, have suffered as the “rights” accorded students have allowed disruptive students to dominate classrooms. Except in the cases of egregious student conduct, most

teachers often don’t bother to act at all against misbehaving students. The procedures they have to follow are just too onerous. The easiest course is just to do nothing.

Rights are not the language of democracy. Compromise is. Rights are the language of freedom and are absolute because their role is to protect our liberty. By using the absolute power of freedom to accomplish reforms of democracy, we have undermined democracy and diminished our freedom.

THE RETURN TO PRINCIPLES

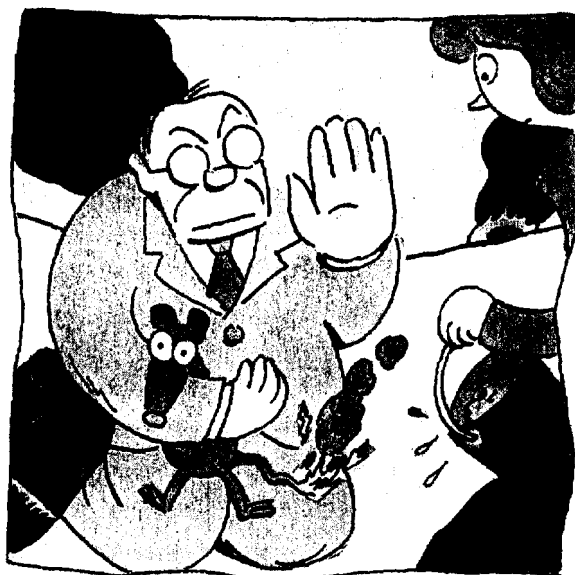
Like tired debaters, our political parties argue relentlessly over government’s goals, as if our only choice is between Big Brother and the laissez-faire state. They miss the problem entirely. Our hatred of government is not caused mainly by what government aims to do. It’s how law works that drives us crazy.

Law is hailed as the instrument of freedom because without law there would be anarchy, and we would eventually come under the thumb of whoever gets power. Too much law, we are learning, can have a comparable effect. It is no coincidence that Americans feel disconnected from government: The rigid rules shut out our point of view. By exiling judgment, modern law changed its role from useful tool to brainless tyrant.

Before American law became the world’s thickest instruction manual, its goal was to serve general principles. The sunlight of common sense shines high whenever principles control: What is right and reasonable, not the parsing of legal language, dominates the discussion. With the goal always shining before us, the need for lawyers fades. Both regulators and citizens understand what is expected of them and can use their judgment. They can also be held accountable.

We have invented a hybrid government form that achieves nearly perfect inertia. No one is in control. No one makes decisions. This legal experiment hasn’t worked out. It crushes our goals and deadens our spirits. Modern law has not protected us from stupidity and caprice but has made stupidity and caprice dominant features of our society. And because the dictates are ironclad, we are prevented from doing anything about it. Our founders would wince; they knew that “the greatest menace to freedom,” as the late Chief Justice Earl Warren reminded us in 1972, “is an inert people.”

Law cannot save us from ourselves. Waking up every morning, we have to go out and try to accomplish our goals and resolve disagreements by doing what we think is right. Energy and resourcefulness, not millions of legal cubicles, are the things that make America great. Let judgment and personal conviction be important again. There is nothing unusual or frightening about it. It’s just common sense. ■



A REALLY ENDANGERED SPECIES

Some 28 homes in California needlessly burned down because the owners could not create a firebreak by plowing their yards. Authorities said that would have disrupted the habitat of the endangered kangaroo rat. It didn't matter that rats were being burned up, too.

7
Eugene T. Smith

Attorney at Law

(202) 347-2363

715 G Street, S.E.

Washington, D.C. 20003

December 21, 1994

**Mr. William Caton
Acting Secretary
Federal Communications Commission
Washington, D. C. 20554**

**Re: Doc. No. 90-139,
RM-7149**

Dear Mr. Caton:

On behalf of Midwest Dimensions, Inc., licensee of Station WPKR (FM), Omro, Wisconsin, there are transmitted herewith for filing an original and four copies of a Petition For Extraordinary Relief in the referenced proceeding.

If additional information is needed, please contact the undersigned.

Very truly yours,



Eugene T. Smith

ETS:ch

Attachments

**cc: David D. Oxenford, Jr., Esq. (w/att.)
Denise B. Moline, Esq. (w/att.)
Brian M. Madden, Esq. (w/att.)
FCC Staff (w/att.)**

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202 (b),)
Table of Allotments,)
FM Broadcast Stations)
)
(Oshkosh and Winneconne, WI, and)
Menominee, MI))
)
)
)
To: Chief, Allocations Branch)
Policy and Rules Division)
Mass Media Bureau)

Doc. No. 90-139
RM-7149

PETITION FOR EXTRAORDINARY RELIEF

1.) On October 12, 1989, a Petition For Rule Making was filed with the Commission in the captioned proceeding seeking to amend § 73.202 (b) of the Commission's Rules in the following respects:

	Present	Proposed
Oshkosh, WI	244A & 280A	244A
Winneconne, WI	--	280C3
Menominee, MI	280A	279C3

2.) A notice of proposed Rule Making was released March 21, 1990, and a Comment date was set for May 14, 1990. As of this date, all commenting parties, and/or parties proposing counter-proposals, have been heard, and/or resolved.

3.) Midwest Dimensions, Inc., licensee of Station WPKR (FM), Omro, Wisconsin, respectfully requests that the Commission finalize this Rule Making for the following public interest reasons:

- A. Winneconne, Wisconsin, can receive local broadcast service.
- B. Station WVBO (formerly WMGV) shall be provided a wide area coverage facility by re-classification from Class A to Class C3.
- C. Station WHYB, Menominee, Michigan, shall be provided a wide area coverage facility by a change of frequency, and re-classification from Class A to Class C3.
- D. Station WJMR, Peshtigo, Wisconsin (a construction permit) can be modified to Class C2 status from Class A, thus providing a wide area service.
- E. The community of Valders, Wisconsin, can receive a Class A allotment providing this community with a first local service.
- F. Station WOWN, Shawano, Wisconsin, will be able to change frequency, and eliminate a directional antenna system.
- G. And Station WPKR will be able to move to a new frequency, thus eliminating a costly proceeding involving alleged interference.

4.) Good Rule Making in the FM frequency band serves the public interest. A review of the attached statement from the President of the licensee corporation of Station WPKR (FM) will lead the Commission to a prompt resolution of Docket No. 90-139. It is for these reasons that the Commission is urged to grant the relief requested in this Petition.

Respectfully submitted,
MIDWEST DIMENSIONS, INC.

December 21, 1994

By 

Eugene T. Smith
Its Attorney

STATEMENT OF JAMES R. COURSOLLE

My name is James R. Coursolle. I am the President and General Manager of the licensee corporation of Station WPKR (FM), Omro, Wisconsin. The antenna/transmitter for Station WPKR (FM) is located near the City of Ripon, Wisconsin. Station WPKR (FM)'s antenna is mounted on a tower not owned by the licensee of Station WPKR (FM).

Since the fall of 1989, I have been following the Commission proceeding which eventually became Doc. NO. 90-139, involving FM channel changes in the communities of Oshkosh and Winneconne, Wisconsin, and Menominee, Michigan.

In the summer of 1993, the tower on which Station WPKR (FM)'s antenna is located took a lightning strike. A tornado touched down some three blocks from the tower. The high winds caused the owner of the tower to retension its tower. Weather, and weather related information has always been a part of my broadcast belief that the public has a vital interest in this topic. And to that topic, the majority of my broadcast career has been devoted to bringing to the public, weather information. Please note the attached (Attachment A) award which I received in 1970 at a RTNDA conference. Which leads me to Attachment B in 1978 wherein the President of a local Wisconsin bank comments upon my radio station's efforts to keep the public appraised on tornado warnings and tornado survival.

Which brings us to the summer of 1994. Attachment C is a newspaper picture from the Milwaukee, Wisconsin, Sentinel of August 29, 1994, depicting a scene from the aftermath of a tornado which struck in the service area of Station WPKR (FM). Attachment D is a hand written letter from Julie & Bill Thompson advising Station WPKR (FM) that the tornado warnings broadcast on Station WPKR (FM) possibly saved the life of a Green Bay Packer football fan from losing his life. Attachment E is a September 15, 1994, letter from the Fond du Lac County Chapter of the American Red Cross thanking Station WPKR (FM) for its coverage of the August of 1994 severe weather which struck Central Wisconsin.

Which brings us to the purpose of this statement. Attachment F is a running log prepared by the Chief Engineer of Station WPKR (FM) from January 31, 1994, to October 11, 1994. This log sets forth the dates and times when Station WPKR (FM) was either off the air, or operating at reduced power. The public, or the "public interest" cannot be served if your radio station is off the air, or operating at reduced power. Thus far, in 1994, Station WPKR (FM) has been off the air, or operating at reduced power approximately 55 days.

To correct this problem, our licensee corporation has expended more than \$35,000.00 in out of pocket expenses attempting to correct an alleged interference problem. We have engaged the services of Mr. Ralph E. Evans (Attachment G). Mr. Evans has prepared two reports (Attachment H) detailing the results of his study of the antenna/tower for Station WPKR (FM), and the repairs which he has requested. Mr. Evans' statement that "...it is this engineer's recommendation that WPKR consider moving the transmitter to a less sensitive site." is an appropriate solution to this problem.

The Commission's attention is invited to Attachment I. Station WPKR (FM) applied for, and has received permission to operate at reduced power.

There is a solution to the alleged interference problems at Station WPKR (FM). Should the Commission finalize Doc. No. 90-139, Station WPKR (FM) can move away from the Ripon, Wisconsin, head-in cable antenna tower, and move its antenna/transmitter location closer to its city of license.

This statement is true and correct, and it is given under penalty of perjury.

Respectfully submitted,
MIDWEST DIMENSIONS, INC.

Date: 11/14/94

By 

James R. Coursolle
President

ATTACHMENT A

On the Air

Nixon's Press Secretary Ron Ziegler Stays Cool, Calm in Camp of the 'Enemy'

By Bob Tweedell



Ron Ziegler demonstrated some of the skills he has sharpened during his service as President Nixon's press secretary in an appearance Thursday at the international conference of the Radio-TV News Directors Association (RTNDA). Ziegler gave a smooth, low-key address at a luncheon meeting at the Brown Palace hotel, where the RTNDA is in session, and deftly fielded a few questions from the audience.

He prefaced his prepared remarks by giving the delegates an up-to-date briefing on the Middle East situation, and then referred to his recent stop-over in Denver with the President. It was on that occasion that Nixon made an unfortunate reference to defendants in the Sharon Tate murder case in California, leaving Ziegler with an impossible explaining job. Ziegler tried to get the President off the hook by announcing that the word "alleged" had been omitted unconsciously from a comment about the defendants' guilt.

ZIEGLER SAID that at his final meeting with the President before coming to Denver, Nixon told him, "Ron, good luck on your alleged speech in Denver."

The press secretary spent most of his time on the podium trying to reassure the newsmen that his attitude, and

that of Nixon and his administration, is not hostile toward the press.

He said it is a moot question whether Nixon favors one mass communications medium over another, because of his use of all the media is based on an approach "more functional than traditional."

The President has used TV frequently because he believes "the people deserve face-to-face reports from him" on crucial issues, Ziegler said. Actually, Nixon has not appeared on TV as often, or for as much total time, as did John F. Kennedy and Lyndon B. Johnson during comparable periods in office, Ziegler added.

He said he and his staff are aware of the "adversary" relationship between the government and the press, and that his office operates under three strict rules:

"You must be absolutely honest. You must never knowingly mislead. You must strive always to be well informed."

He said that his job required in addition that he "be totally loyal to the President and sensitive to the needs of the press."

THE ADVERSARY relationship, he continued, is not only a healthy part of the American system, but also a necessary part if it is to continue to function successfully.

In answer to a question, Ziegler said there should be "absolutely no controversy" about Vice President Spiro T. Agnew's role in stirring up public debate on various issues.

He said without equivocation that Agnew "is free to express his own opinions" and that there is no "clearance process" for his speeches at either the press secretary's office or the White House.

However, he dodged another question which sought to determine whether Agnew receives explicit instructions from the White House as to what subjects the President desires him to discuss at public gatherings.

Asked whether he considers Agnew's criticism of the news media valid, Ziegler said he would repeat an answer given many times previously to that question.

"I will not make any comment at this time."

He justified the answer on grounds that his job and his special relationship with the administration require him to remain silent on that subject.

He said he thinks both the administration and the press

"She only works part time—three hours a day—but she is the nicest woman in town and she does a heck of a job," Courcelle said, and was rewarded with an ovation. He has a total staff of nine people, all of whom are newsmen first and something else—disc jockey, junior engineer, secretary.

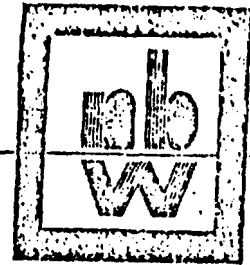
New officers of the RTNDA are vice president Cliff Casselman, of KSFO, San Francisco; and directors Travis Linn of WFAA, Dallas, William Huddy of KEYT, Santa Barbara, Calif., and Richard Petrik of KOEL, Oelwein, Iowa. Wayne Vriesman, news director of Denver's KWGN, was introduced to fill out Casselman's term as an at-large director.

David Louie, 20, of Lakewood, Ohio, a journalism student at Northwestern University, was the recipient of the first annual Ben Chatfield Fellowship. The \$1,000 scholarship is named in honor of one of RTNDA's founders. Louie was introduced by Barney Oldfield, retired Army colonel now with Litton Industries, Inc., who is chairman of the RTNDA scholarship and financial development committee.

A special award was given to Jim Courcelle, 37, for his reporting on a series of tornadoes which struck many of August 1970, causing 25 deaths and widespread damage. Jim Courcelle, 37, who is part owner and general manager of the station, worked the storm. He told about it to KQV's news director, and then went to the station.

ATTACHMENT B

The NATIONAL BANK of Waupun



210 East Main Street, Waupun, Wisconsin 53963 (414)324-5551

July 21, 1978

Mr. Jim Coursolle, President
Radio Station WLKE-WGGO
609 Home Avenue
Waupun, Wisconsin 53963

Dear Jim:

During our last visit at the bank I intended to congratulate you on the continuing program of WLKE concerning tornado survival and warnings.

Your civic contribution is exemplified further by the ad that appears in the July 19th, 1978 issue of the Waupun Leader News. It is excellent. Also on the radio we hear commentary by law enforcement people and others regarding tornado survival.

I am sure you are aware that this fine community service is sincerely appreciated by the people of Waupun and the surrounding area. Again, our sincere congratulations.

Kindest regards,

THE NATIONAL BANK OF WAUPUN

S. E. Henderson, President

ATTACHMENT C

MONDAY MORNING AUGUST 29, 1994

★ ★ EDITION

TWISTERS KILL 4

■ Girl, 3, among dead

■ One town leveled

■ 40 injured



ATTACHMENT D

To WPKR —

Since we lost our home we'll rent 2 years till we retire & hence haven't got cable or TVN & we rely on you for Nashville news etc.

Merry Christmas
& Happy '93"

Keep up the good work.

P.S. I have WPKR on in my classroom on the stereo & it is enjoyed by all students - they don't change station either!

The night of August 29, 1992
We were totaled out
by the tornado that
hit Wautoma. Your
station kept me
company with my 7

Thanks so much
For showing such special warmth
And thoughtfulness!

Labs as we were in
the kitchen (safest
room left) waiting
for sunrise. The dogs
had survived with
no injuries because
they were crated &
the tornado totaled